

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION

NORTH IOWA MEDICAL CENTER,

Plaintiff,

vs.

DEPARTMENT OF HEALTH AND
HUMAN SERVICES,

Defendant.

No. OOCV3070-DEO

ORDER NUNC PRO TUNC

On March 29, 2002 this Court entered an order regarding plaintiff North Iowa Medical's motion for summary judgment and defendant the Department of Health and Human Services's cross motion for summary judgment. The order is missing some language. On page 21 of the order it states:

IT IS HEREBY ORDERED that the Administrator's decision of June 28, 2000 is **reversed** because it is arbitrary and capricious and unsupported by substantial evidence in the record.

The Court intended to make it clear that the case is also remanded to the Secretary with instructions that plaintiff be entitled to claim the loss of \$3,256,187 on its final cost report for the 1993 fiscal year, and directing the Secretary to pay plaintiff for the interest due on the claimed loss, pursuant to 42 U.S.C. § 1395oo(f)(2).

Therefore, the following paragraphs are substituted **nunc pro tunc** for the above cited paragraph in the order of March 29, 2002:

IT IS HEREBY ORDERED that the Administrator's decision of June 28, 2000 is **reversed** because it is arbitrary and capricious and unsupported by substantial evidence in the record.

IT IS FURTHER HEREBY ORDERED that this case is remanded to the Secretary with instructions that plaintiff be entitled to claim the loss of \$3,256,187 on its final cost report for the 1993 fiscal year.

IT IS FURTHER HEREBY ORDERED that the Secretary shall pay the plaintiff the interest due on the claimed loss pursuant to 42 U.S.C. § 1395oo(f)(2).

IT IS SO ORDERED.

DATED this ____ day of April, 2002.

Donald E. O'Brien, Senior Judge
United States District Court
Northern District of Iowa